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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,765	10/02/2006	Johannes Frucht	08215-588US1 CEA-026772 P	3498
26171	7590	06/25/2009	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BOATENG, ALEXIS ASIEDUA	
		ART UNIT	PAPER NUMBER	
		2858		
		NOTIFICATION DATE	DELIVERY MODE	
		06/25/2009	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/563,765	FRUCHT, JOHANNES	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alexis Boateng	2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 May 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,22-26 and 28-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,22-26 and 28-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 22-26, and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard (U.S. 4,297,629) in view of Saeki (U.S. 5,808,444).

**Regarding claim 1**, Goddard discloses wherein a method for supplying power to at least one load during failure of a main voltage source, wherein batteries serve as an emergency voltage source supply to the at least one load during failure of the main voltage source and are connected to the main voltage source, the method comprising:

splitting the batteries into at least two battery groups, with the batteries of each group being connected in series (figure 1 items BT1 and BT2; figure 4 item RL; column 4 lines 25 – 44);

connecting each of the battery groups in parallel to the main voltage source for charging (column 4 line 61 – column 5 line 4), and

connecting the battery groups in series to the load for use as the emergency voltage source wherein splitting the battery groups and connecting the battery groups in parallel to the main voltage source comprises doing so using a single switching device (column 6 lines 29 – 37),

wherein splitting the battery groups and connecting the battery groups in parallel to the main voltage comprises doing so using a single switching device (figure 5 item RL; column 2 lines 49 - 53).

Goddard does not disclose wherein the battery groups and the load are decoupled from the main voltage source by a diode device with at least one diode arrangement there between.

Saeki discloses wherein the battery groups and the load are decoupled from the main voltage source by a diode device with at least one diode arrangement there between (figure 13 items D21; column 22 lines 52 - 61: isolates the batteries from the main voltage).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Goddard system with the Saeki system so that the DC-IN voltage does not supply the batter or the load with power while the battery provides power to the load.

**Regarding claim 22,** Goddard discloses the method of claim 1, wherein connecting the battery groups in series to the load for use as the emergency voltage source comprises doing so by having the switching device switch over into a state different from a state in which the batteries groups are split (column 7 lines 19 – 32).

**Regarding claim 23,** Goddard discloses the method of claim 22, further comprising having the switching device switch over into the different state

automatically upon failure of the source (column 5 lines 19 -26; column 7 lines 19-32).

**Regarding claim 24**, Goddard discloses the method of claim 1 further comprising limiting a charge voltage on the battery groups using a charge-voltage limiting circuit (column 3 lines 3-21).

**Regarding claim 25**, Goddard discloses the method of claim 1, further comprising interrupting further discharging of the battery groups using an exhaustive discharge protective circuit after the battery groups have discharged to a specified value (column 5 lines 19 – 25). Goddard does not disclose wherein there is a specific voltage level. Saeki disclose in column 7 lines 16 – 26 wherein a specific discharge voltage level is provided. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Goddard system with the Saeki system so that the battery is not damaged by over-discharging.

**Regarding claims 26, and 33-37**, Goddard discloses a device for supplying power to at least one load during failure of a main voltage source, the device comprising:

batteries connected so as to be connected in series to deliver power to the at least one load during failure of the main voltage source (figure 1 items BT1 and BT2);

a splitting circuit configured to split the batteries into at least two battery groups, with the batteries of each battery group being connected in series (figure 7 item RL2); and

a connection circuit configured to connect each of the battery groups in parallel to the main voltage source (column 4 line 61 – column 5 line 4),

wherein a single switching device provides both the splitting circuit and the connection circuit (figure 5 item RL; column 2 lines 49 - 53).

Goddard does not disclose wherein a diode device for decoupling is connected between the main voltage source and the battery groups, said diode device comprising at least one diode connected in a connecting line to the main voltage source.

Saeki discloses wherein the battery groups and the load are decoupled from the main voltage source by a diode device with at least one diode arrangement there between (figure 13 items D21; column 22 lines 52 - 61: isolates the batteries from the main voltage).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Goddard system with the Saeki system so that the DC-IN voltage does not supply the batter or the load with power while the battery provides power to the load.

**Regarding claim 28,** Goddard teaches the device of claim 26, wherein the switching device is configured to connect the battery groups in parallel for

charging and in series for supplying power to the load (column 4 lines 61 – column 5 lines 4).

**Regarding claim 29**, Goddard teaches the device of claim 26, wherein the switching device comprises at least one relay (figure 5 item RL).

**Regarding claim 30**, Goddard teaches the device of claim 29, wherein contacts of the relay are arranged in a release state during failure of the main voltage source, such that the battery groups are connected in series to supply power to the load (column 8 lines 56 – 59).

**Regarding claim 31**, Goddard teaches the device of claim 26, wherein a resistance for charging is assigned to each battery group (figure 7 items R31 and R32).

**Regarding claim 32**, Goddard teaches the device of claim 26, wherein each battery group comprises the same number of batteries (figure 1 items BT1 and BT2).

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexis Boateng whose telephone number is (571) 272-5979. The examiner can normally be reached on 8:30 am - 6:00 pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Tso/  
Primary Examiner, Art Unit 2858